

HOUSE BILL 354

J2

(11r1288)

ENROLLED BILL

— Health and Government Operations/ Education, Health, and Environmental Affairs —

Introduced by **Delegates V. Turner, Alston, Costa, Donoghue, Elliott, Healey, Hubbard, Kach, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Valderrama, and Valentino-Smith**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Health Occupations – Temporary Volunteer Dentist’s License, Temporary~~
3 ~~Volunteer Dental Hygienist’s License, and Temporary Dental Clinic Permit~~
4 State Board of Dental Examiners – Dentists and Dental Hygienists – Licenses,
5 Temporary Volunteer Licenses, and Temporary Dental Clinic Permits

6 FOR the purpose of establishing a temporary volunteer dentist’s license, a temporary
7 volunteer dental hygienist’s license, and a temporary dental clinic permit under
8 the State Board of Dental Examiners; altering a certain qualification for certain
9 dentists and dental hygienists licensed in another state to be granted a license
10 in this for a certain license to practice dentistry or practice dental hygiene in the
11 State; establishing certain procedures for dentists, dental hygienists, and bona
12 fide charitable organizations to apply for certain licenses and permits;
13 establishing the scope of practice of certain licenses; prohibiting the Board from

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 requiring continuing education as a condition for the issuance of certain
 2 licenses; requiring temporary dental clinics to have a medical emergency plan,
 3 certain equipment, and certain safeguards; specifying certain powers of the
 4 Board; altering certain definitions; defining a certain term; making a stylistic
 5 change; and generally relating to ~~the establishment of a temporary volunteer~~
 6 ~~dentist's license, a temporary volunteer dental hygienist's license, and a~~
 7 ~~temporary dental clinic permit~~ the State Board of Dental Examiners and dentist
 8 and dental hygienist licenses, temporary volunteer licenses, and temporary
 9 dental clinic permits.

10 BY repealing and reenacting, with amendments,
 11 Article – Health Occupations
 12 Section 4–101, 4–304, ~~4–306(b)~~, and 4–308
 13 Annotated Code of Maryland
 14 (2009 Replacement Volume and 2010 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Health Occupations**

18 4–101.

- 19 (a) In this title the following words have the meanings indicated.
- 20 (b) “Board” means the State Board of Dental Examiners.
- 21 (c) “Dental appliance” means any:
- 22 (1) Oral prosthesis;
- 23 (2) Orthodontic appliance;
- 24 (3) Regulatory appliance;
- 25 (4) Supportive appliance; or
- 26 (5) Other intraoral appliance or restoration.
- 27 (d) “Dental hygienist” means an individual, other than a dentist, who
 28 practices dental hygiene.
- 29 (e) “Dental laboratory” means any commercial laboratory or workroom in
 30 which a person engages in dental laboratory work.
- 31 (f) “Dental laboratory work” means making, repairing, or altering a dental
 32 appliance extraorally.

1 (g) “Dentist” means an individual who practices dentistry.

2 (h) (1) “License” means, unless the context requires otherwise, a license
3 issued by the Board to:

4 (i) Practice dentistry; or

5 (ii) Practice dental hygiene.

6 (2) “License” includes, unless the context requires otherwise:

7 (i) A general license to practice dentistry;

8 (ii) A limited license to practice dentistry;

9 (iii) A teacher’s license to practice dentistry;

10 (iv) A general license to practice dental hygiene;

11 (v) A teacher’s license to practice dental hygiene;

12 (vi) A retired volunteer dentist’s license to practice dentistry;

13 (vii) A retired volunteer dental hygienist’s license to practice
14 dental hygiene;

15 (viii) A volunteer dentist’s license to practice dentistry; [and]

16 (ix) A volunteer dental hygienist’s license to practice dental
17 hygiene;

18 (X) A TEMPORARY VOLUNTEER DENTIST’S LICENSE TO
19 PRACTICE DENTISTRY; AND

20 (XI) A TEMPORARY DENTAL HYGIENIST’S LICENSE TO
21 PRACTICE DENTAL HYGIENE.

22 (i) (1) “Licensed dental hygienist” means, unless the context requires
23 otherwise, a dental hygienist who is licensed by the Board to practice dental hygiene.

24 (2) “Licensed dental hygienist” includes, unless the context requires
25 otherwise, a holder of:

26 (i) A general license to practice dental hygiene;

- 1 (ii) A teacher's license to practice dental hygiene;
- 2 (iii) A retired volunteer dental hygienist's license to practice
3 dental hygiene; [or]
- 4 (iv) A volunteer dental hygienist's license to practice dental
5 hygiene; OR

6 (V) A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S
7 LICENSE TO PRACTICE DENTAL HYGIENE.

8 (j) (1) "Licensed dentist" means, unless the context requires otherwise, a
9 dentist who is licensed by the Board to practice dentistry.

10 (2) "Licensed dentist" includes, unless the context requires otherwise,
11 a holder of:

- 12 (i) A general license to practice dentistry;
- 13 (ii) A limited license to practice dentistry;
- 14 (iii) A teacher's license to practice dentistry;
- 15 (iv) A retired volunteer dentist's license to practice dentistry;
16 [or]
- 17 (v) A volunteer dentist's license to practice dentistry; OR

18 (VI) A TEMPORARY VOLUNTEER DENTIST'S LICENSE TO
19 PRACTICE DENTISTRY.

20 (k) "Practice dental hygiene" means to:

- 21 (1) Perform a preliminary dental examination;
- 22 (2) Perform a complete prophylaxis, including the removal of any
23 deposit, accretion, or stain from the surface of a tooth or a restoration;
- 24 (3) Polish a tooth or a restoration;
- 25 (4) Chart cavities, restorations, missing teeth, periodontal conditions,
26 and other features observed during preliminary examination, prophylaxis, or
27 polishing;
- 28 (5) Apply a medicinal agent to a tooth for a prophylactic purpose;

- 1 (6) Take a dental X ray;
- 2 (7) Perform a manual curettage in conjunction with scaling and root
3 planing;
- 4 (8) Administer local anesthesia in accordance with § 4–206.1 of this
5 title; or
- 6 (9) Perform any other intraoral function that the Board authorizes by
7 a rule or regulation adopted under § 4–206 of this title.

8 (l) “Practice dentistry” means to:

- 9 (1) Be a manager, a proprietor, or a conductor of or an operator in any
10 place in which a dental service or dental operation is performed intraorally;
- 11 (2) Perform or attempt to perform any intraoral dental service or
12 intraoral dental operation;
- 13 (3) Diagnose, treat, or attempt to diagnose or treat any disease, injury,
14 malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a
15 tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of
16 an accredited dental school or in an approved dental residency program of an
17 accredited hospital or teaching institution;
- 18 (4) Perform or offer to perform dental laboratory work;
- 19 (5) Place or adjust a dental appliance in a human mouth; or
- 20 (6) Administer anesthesia for the purposes of dentistry and not as a
21 medical specialty.

22 (m) Except as provided in § [4–308(e)(2)] **4–308(F)(2)** of this title,
23 “supervision” means supervision of a dental hygienist by a dentist, where the dentist
24 may or may not be present when the dental hygienist performs the dental hygiene
25 procedures but is available on the premises.

26 **(N) “TEMPORARY DENTAL CLINIC PERMIT” MEANS, UNLESS THE**
27 **CONTEXT REQUIRES OTHERWISE, A TEMPORARY PERMIT ISSUED BY THE BOARD**
28 **TO A BONA FIDE CHARITABLE ORGANIZATION TO PROVIDE DENTAL SERVICES TO**
29 **THE POOR, ELDERLY, OR DISABLED AT A DENTAL CLINIC.**

30 **[(n)] (O)** “Third party” means any person who collects premiums, assumes
31 financial risks, pays claims, or provides administrative services relating to any:

- 32 (1) Insurance policy;

- 1 (2) Insurance contract;
- 2 (3) Health prepayment contract;
- 3 (4) Health care plan; or
- 4 (5) Nonprofit health service plan contract.

5 4-304.

6 (a) To apply for a license, an applicant shall:

7 (1) Submit an application to the Board on the form that the Board
8 requires; and

9 (2) Pay to the Board an application fee set by the Board.

10 (b) In addition to the other requirements of this section, an applicant for a
11 limited license to practice dentistry shall submit to the Board a written request, from
12 the hospital, sanatorium, dental school, or public health program to which the practice
13 is to be limited, that the license be issued.

14 (c) To apply for a retired volunteer dentist's license [or], a volunteer
15 dentist's license, **OR A TEMPORARY VOLUNTEER DENTIST'S LICENSE** to practice
16 dentistry, an applicant:

17 (1) Shall submit an application to the Board on the form that the
18 Board requires; and

19 (2) May not be required to pay an application fee.

20 (d) (1) At least 30 days before the examination, an applicant for a general
21 license to practice dental hygiene shall submit the application to the Board.

22 (2) In addition to the other requirements of this section, an applicant
23 for a license to practice dental hygiene shall submit to the Board:

24 (i) Satisfactory evidence of graduation from a dental hygiene
25 program accredited by the American Dental Association Commission on Dental
26 Accreditation; and

27 (ii) Any other credentials that the Board requires.

1 (e) To apply for a retired volunteer dental hygienist's license [or], a
2 volunteer dental hygienist's license, **OR A TEMPORARY VOLUNTEER DENTAL**
3 **HYGIENIST'S LICENSE** to practice dental hygiene, an applicant:

4 (1) Shall submit an application to the Board on the form that the
5 Board requires; and

6 (2) May not be required to pay an application fee.

7 **(F) TO APPLY FOR A TEMPORARY DENTAL CLINIC PERMIT, AN**
8 **APPLICANT:**

9 (1) **SHALL SUBMIT AN APPLICATION ON THE FORM THAT THE**
10 **BOARD REQUIRES; AND**

11 (2) **MAY NOT BE REQUIRED TO PAY AN APPLICATION FEE.**

12 4-306.

13 (b) (1) (i) A dentist licensed in any other state who has passed a
14 regional board shall be granted a license in this State if the applicant passes the
15 following examinations given by or designated by the Board:

16 1. A comprehensive examination on applied clinical
17 diagnosis and treatment planning; and

18 2. A law examination.

19 (ii) A dentist licensed in any other state who has not passed a
20 regional board shall be granted a license in this State if:

21 1. For the 5 preceding years the dentist has been
22 actively engaged in practicing dentistry **FOR AT LEAST 850 HOURS ON AVERAGE**
23 **PER YEAR; and**

24 2. The applicant passes the following examinations
25 given by or designated by the Board:

26 A. A comprehensive examination on applied clinical
27 diagnosis and treatment planning; and

28 B. A law examination.

29 (2) (i) A dental hygienist licensed in any other state who has
30 passed a regional board shall be granted a license in this State if the applicant passes
31 an examination given by the Board.

1 (ii) A dental hygienist licensed in any other state who has not
2 passed a regional board shall be granted a license in this State if:

3 1. For the 3 preceding years the dental hygienist has
4 been actively engaged in practicing dental hygiene FOR AT LEAST 150 HOURS ON
5 AVERAGE PER YEAR; and

6 2. The applicant passes an examination given by or
7 designated by the Board.

8 4-308.

9 (a) A general license to practice dentistry issued under this title authorizes
10 the licensee to practice dentistry while the license is effective.

11 (b) While it is effective, a limited license to practice dentistry issued under
12 this title authorizes the licensee to practice dentistry, including as an intern or a
13 resident:

14 (1) Only for the institution or public health program named on the
15 license; and

16 (2) Only on patients of the institution or public health program named
17 on the license.

18 (c) While it is effective, a retired volunteer dentist's license or a volunteer
19 dentist's license to practice dentistry issued under this title authorizes the licensee to
20 practice dentistry:

21 (1) Only in a dental office, dental clinic, ambulatory care facility, or
22 hospital;

23 (2) Only for an entity providing medical care to the poor, elderly, or
24 [handicapped] **DISABLED** that is operated by:

25 (i) The State or a local government;

26 (ii) A bona fide charitable organization; or

27 (iii) Any other entity authorized under regulations adopted by
28 the Board;

29 (3) If the dentist signs a written statement agreeing to donate at least
30 100 hours of dental services without compensation in a facility that satisfies the
31 requirements of items (1) and (2) of this subsection;

1 (4) If the dentist provides documentation as required by the Board
2 which evidences that the licensee is covered by malpractice insurance; and

3 (5) If the dentist does not otherwise practice dentistry for profit in
4 Maryland.

5 (D) (1) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER
6 DENTIST'S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE TO
7 PRACTICE DENTISTRY:

8 (I) ONLY IN A TEMPORARY DENTAL CLINIC PROVIDING
9 MEDICAL CARE TO THE POOR, ELDERLY, OR DISABLED THAT IS OPERATED BY:

10 1. A BONA FIDE CHARITABLE ORGANIZATION;

11 2. THE STATE OR A LOCAL GOVERNMENT; OR

12 3. A LOCAL HEALTH DEPARTMENT;

13 (II) 1. IF THE DENTIST HOLDS A GENERAL LICENSE TO
14 PRACTICE DENTISTRY IN ANOTHER STATE THAT PERMITS CLINICAL PRACTICE
15 AND THE DENTIST IS NOT SUBJECT TO CLINICAL RESTRICTIONS; AND

16 2. THE DENTIST HAS ~~PASSED~~:

17 A. ~~THE~~ PASSED THE NORTH EAST BOARD
18 REGIONAL CLINICAL EXAMINATION; OR

19 B. ~~HAS SUBMITTED~~ SUBMITTED TO THE BOARD A
20 NOTARIZED AFFIDAVIT OR OTHER EVIDENCE SATISFACTORY TO THE BOARD
21 INDICATING THAT FOR THE 5 YEARS PRECEDING APPLICATION, THE APPLICANT
22 HAS ACTIVELY ENGAGED IN PRACTICING DENTISTRY FOR AT LEAST 850 HOURS
23 ON AVERAGE PER YEAR;

24 (III) IF THE DENTIST HAS FULFILLED ANY REQUIREMENTS
25 OF THE BOARD RELATING TO KNOWLEDGE OF THE REGULATIONS ADOPTED BY
26 THE BOARD AND THE LAWS CONCERNING THE PRACTICE OF DENTISTRY IN THE
27 STATE;

28 (IV) IF THE DENTIST PROVIDES A NOTARIZED AFFIDAVIT TO
29 THE BOARD AGREEING TO DONATE DENTAL SERVICES WITHOUT
30 COMPENSATION FOR A ~~BONA FIDE CHARITABLE ORGANIZATION~~ TEMPORARY

1 DENTAL CLINIC THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (I) OF
2 THIS SECTION;

3 (V) IF THE DENTIST PROVIDES DOCUMENTATION AS
4 REQUIRED BY THE BOARD THAT EVIDENCES THAT THE DENTIST IS COVERED BY
5 MALPRACTICE INSURANCE;

6 (VI) IF THE DENTIST DOES NOT OTHERWISE PRACTICE
7 DENTISTRY FOR PROFIT IN THE STATE; AND

8 (VII) IF THE DENTIST PROVIDES VERIFICATION OF CURRENT
9 CARDIOPULMONARY RESUSCITATION CERTIFICATION.

10 (2) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S
11 LICENSE MAY NOT ADMINISTER, MAINTAIN, OR MONITOR GENERAL ANESTHESIA
12 OR SEDATION.

13 (3) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S
14 LICENSE MAY ONLY PROVIDE SERVICES AUTHORIZED UNDER THE MARYLAND
15 DENTISTRY ACT AND THE REGULATIONS ADOPTED BY THE BOARD.

16 (4) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S
17 LICENSE OR THE TEMPORARY DENTAL CLINIC IN WHICH THE DENTIST IS
18 PROVIDING SERVICES SHALL PROVIDE A FORM TO A PATIENT AT THE
19 CONCLUSION OF TREATMENT THAT CONTAINS:

20 (I) A SUMMARY OF THE SERVICES THAT WERE PROVIDED
21 TO THE PATIENT BY THE DENTIST AND, IF APPLICABLE, THE DENTAL
22 HYGIENIST; AND

23 (II) INSTRUCTIONS FOR ANY RECOMMENDED FOLLOW-UP
24 DENTAL CARE.

25 (5) THE BOARD MAY DENY A TEMPORARY VOLUNTEER DENTIST'S
26 LICENSE ON THE GROUNDS PROVIDED UNDER § 4-315 OF THIS SUBTITLE.

27 (6) ~~(H)~~ A TEMPORARY VOLUNTEER DENTIST'S LICENSE ISSUED
28 TO A DENTIST UNDER THIS TITLE SHALL BE ISSUED FOR THE DURATION OF THE
29 TEMPORARY DENTAL CLINIC ONLY AND MAY NOT BE RENEWED.

30 ~~(H) THE BOARD MAY ISSUE ANOTHER TEMPORARY~~
31 ~~VOLUNTEER DENTIST'S LICENSE IF THE DENTIST APPLIES FOR THE LICENSE~~
32 ~~AND SATISFIES THE REQUIREMENTS OF THIS SUBSECTION.~~

1 **(7) THE BOARD MAY ISSUE A TEMPORARY VOLUNTEER DENTIST'S**
 2 **LICENSE TO A DENTIST WHO PREVIOUSLY HELD A TEMPORARY VOLUNTEER**
 3 **DENTIST'S LICENSE IF THE DENTIST APPLIES FOR A NEW LICENSE AND**
 4 **SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.**

5 ~~(7)~~ **(8) THE BOARD MAY NOT REQUIRE CONTINUING**
 6 **EDUCATION AS A CONDITION FOR THE ISSUANCE OF A TEMPORARY VOLUNTEER**
 7 **DENTIST'S LICENSE.**

8 **[(d)] (E)** While it is effective, a teacher's license to practice dentistry issued
 9 under this title authorizes the licensee to practice dentistry at only the following
 10 institutions:

11 (1) The institution named on the license; and

12 (2) Other affiliated institutions as appropriate because of the
 13 specialized nature of the services to be performed.

14 **[(e)] (F)** (1) Except as provided in subsection **[(h)] (K)** of this section,
 15 while it is effective, a general license to practice dental hygiene issued under this title
 16 authorizes the licensee to practice dental hygiene:

17 (i) Under the supervision of a licensed dentist who is:

18 1. On the premises and available for personal
 19 consultation while the services are being performed; or

20 2. Not on the premises while authorized dental hygiene
 21 services are provided when the requirements of subsection **[(i)] (L)** of this section have
 22 been fully satisfied; and

23 (ii) Only in a:

24 1. Dental office;

25 2. Dental clinic;

26 3. Hospital;

27 4. School;

28 5. Charitable institution; or

29 6. Health maintenance organization certified by the
 30 State Insurance Commissioner.

1 (2) (i) The Board may waive, on a case by case basis only, the
2 supervision requirements of this subsection for:

3 1. A dental facility owned and operated by the federal,
4 the State, or a local government;

5 2. A health facility licensed by the Department of Health
6 and Mental Hygiene;

7 3. A facility providing medical care to the poor, elderly,
8 or handicapped that is owned and operated by:

9 A. The State or a local government; or

10 B. A bona fide charitable organization; or

11 4. Any other setting authorized under regulations
12 adopted by the Board.

13 (ii) A waiver is not required to practice dental hygiene under
14 general supervision in accordance with subsection [(h)] **(K)** of this section.

15 (3) The Board may grant a waiver under paragraph (2) of this
16 subsection if:

17 (i) The facility requesting the waiver has submitted a written
18 application;

19 (ii) The facility requesting the waiver has submitted a medical
20 emergency plan of action at the time of application; and

21 (iii) The Board finds that:

22 1. Good cause exists to justify the granting of the waiver;

23 2. Adequate facilities and equipment, including portable
24 equipment where appropriate and appropriate armamentarium, are available for the
25 appropriate delivery of dental hygiene services; and

26 3. Adequate safeguards are present to protect the
27 patient's health and safety.

28 (4) (i) The Board, upon written request or its own motion, may
29 conduct a public informational meeting on any waiver application.

30 (ii) The Board shall maintain records of all waiver applications
31 and the criteria and basis for its action on each application.

1 (iii) The Board shall have the power to inspect or review any
2 facility, location, person, or entity applying for, covered by, or acting under a waiver.

3 (5) (i) Except as provided under subparagraph (ii) of this
4 paragraph, the Board shall accept or deny a waiver under paragraph (2) of this
5 subsection within 60 calendar days of the receipt of the application for the waiver or it
6 shall be deemed to have been accepted.

7 (ii) If extraordinary circumstances exist, the Board shall accept
8 or deny a waiver under paragraph (2) of this subsection within 90 calendar days of the
9 receipt of the application for the waiver or it shall be deemed to have been accepted.

10 (6) Any changes in the procedures or personnel of a facility with a
11 waiver granted under this subsection shall be reported to the Board within 15
12 business days after the change.

13 **[(f)] (G)** While it is effective, a retired volunteer dental hygienist's license
14 or a volunteer hygienist's license to practice dental hygiene issued under this title
15 authorizes the licensee to practice dental hygiene:

16 (1) Only in a dental office, dental clinic, ambulatory care facility, or
17 hospital;

18 (2) Only for an entity providing medical care to the poor, elderly, or
19 handicapped that is operated by:

20 (i) The State or a local government;

21 (ii) A bona fide charitable organization; or

22 (iii) Any other entity authorized under regulations adopted by
23 the Board;

24 (3) If the dental hygienist signs a written statement agreeing to
25 donate at least 100 hours of dental hygiene services without compensation in a facility
26 that satisfies the requirements of items (1) and (2) of this subsection;

27 (4) If the dental hygienist provides documentation as required by the
28 Board which evidences that the licensee is covered by malpractice insurance; and

29 (5) If the dental hygienist does not otherwise practice dental hygiene
30 for profit in Maryland.

1 **(H) (1) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER DENTAL**
2 **HYGIENIST'S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE**
3 **TO PRACTICE DENTAL HYGIENE:**

4 **(I) ONLY IN A TEMPORARY DENTAL CLINIC PROVIDING**
5 **MEDICAL CARE TO THE POOR, ELDERLY, OR DISABLED THAT IS OPERATED BY:**

6 1. **A BONA FIDE CHARITABLE ORGANIZATION;**

7 2. **THE STATE OR A LOCAL GOVERNMENT; OR**

8 3. **A LOCAL HEALTH DEPARTMENT;**

9 **(II) IF THE DENTAL HYGIENIST HOLDS A GENERAL LICENSE**
10 **TO PRACTICE DENTAL HYGIENE IN ANOTHER STATE THAT PERMITS CLINICAL**
11 **PRACTICE AND THE DENTAL HYGIENIST IS NOT SUBJECT TO CLINICAL**
12 **RESTRICTIONS;**

13 **(III) IN ADDITION TO HOLDING A GENERAL LICENSE TO**
14 **PRACTICE DENTAL HYGIENE, IF THE DENTAL HYGIENIST:**

15 1. **PROVIDES DOCUMENTATION AS REQUIRED BY**
16 **THE BOARD WHICH EVIDENCES THAT THE DENTAL HYGIENIST PASSED THE**
17 **NORTH EAST REGIONAL CLINICAL EXAMINATION; OR**

18 2. **SUBMITS TO THE BOARD A NOTARIZED AFFIDAVIT**
19 **OR OTHER EVIDENCE SATISFACTORY TO THE BOARD INDICATING THAT FOR THE**
20 **3 YEARS PRECEDING APPLICATION, THE DENTAL HYGIENIST HAS ACTIVELY**
21 **ENGAGED IN PRACTICING DENTAL HYGIENE FOR AT LEAST 150 HOURS ON**
22 **AVERAGE PER YEAR;**

23 **(IV) IF THE DENTAL HYGIENIST HAS FULFILLED ANY**
24 **REQUIREMENTS OF THE BOARD RELATED TO KNOWLEDGE OF THE LAWS AND**
25 **REGULATIONS GOVERNING THE PRACTICE OF DENTAL HYGIENE IN THE STATE;**

26 **(V) IF THE DENTAL HYGIENIST PROVIDES A NOTARIZED**
27 **AFFIDAVIT TO THE BOARD AGREEING TO DONATE DENTAL HYGIENE SERVICES**
28 **WITHOUT COMPENSATION FOR A ~~BONA FIDE CHARITABLE ORGANIZATION~~**
29 **TEMPORARY DENTAL CLINIC THAT SATISFIES THE REQUIREMENTS OF**
30 **SUBSECTION (I) OF THIS SECTION;**

31 **(VI) IF THE DENTAL HYGIENIST PROVIDES DOCUMENTATION**
32 **AS REQUIRED BY THE BOARD EVIDENCING THAT THE DENTAL HYGIENIST IS**
33 **COVERED BY MALPRACTICE INSURANCE;**

1 **(VII) IF THE DENTAL HYGIENIST DOES NOT OTHERWISE**
2 **PRACTICE DENTAL HYGIENE FOR PROFIT IN THE STATE; AND**

3 **(VIII) IF THE DENTAL HYGIENIST PROVIDES VERIFICATION OF**
4 **CURRENT CARDIOPULMONARY RESUSCITATION CERTIFICATION.**

5 **(2) A DENTAL HYGIENIST WHO HOLDS A TEMPORARY VOLUNTEER**
6 **DENTAL HYGIENIST'S LICENSE MAY ONLY PROVIDE SERVICES AUTHORIZED**
7 **UNDER THE MARYLAND DENTISTRY ACT AND THE REGULATIONS ADOPTED BY**
8 **THE BOARD.**

9 **(3) A DENTAL HYGIENIST WHO HOLDS A TEMPORARY VOLUNTEER**
10 **DENTAL HYGIENIST'S LICENSE MAY NOT:**

11 **(I) ADMINISTER LOCAL ANESTHESIA; OR**

12 **(II) ADMINISTER, MAINTAIN, OR MONITOR NITROUS OXIDE**
13 **OXYGEN.**

14 **(4) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER DENTAL**
15 **HYGIENIST'S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE**
16 **TO PRACTICE DENTAL HYGIENE UNDER THE GENERAL SUPERVISION OF A**
17 **DENTIST WHO:**

18 **(I) IS ON THE PREMISES;**

19 **(II) EXAMINES THE PATIENT AT ANY TIME DURING THE**
20 **TREATMENT; AND**

21 **(III) IS AVAILABLE FOR PERSONAL CONSULTATION WHILE**
22 **THE SERVICES ARE BEING PERFORMED.**

23 **(5) A DENTAL HYGIENIST MAY PERFORM AN ASSESSMENT OF**
24 **DENTAL NEEDS AND PROVIDE DENTAL HYGIENE SERVICES PRIOR TO AN**
25 **EXAMINATION BY A SUPERVISING DENTIST.**

26 **(6) THIS SUBSECTION MAY NOT BE CONSTRUED TO:**

27 **(I) REQUIRE A PRELIMINARY DENTAL EXAMINATION OR**
28 **TREATMENT BY A DENTAL HYGIENIST; OR**

1 (II) PROHIBIT A SUPERVISING DENTIST FROM EITHER
2 EXAMINING A PATIENT OR PROVIDING TREATMENT TO A PATIENT PRIOR TO
3 TREATMENT BY A DENTAL HYGIENIST.

4 (7) THE BOARD MAY DENY A TEMPORARY VOLUNTEER LICENSE
5 TO PRACTICE DENTAL HYGIENE ON THE GROUNDS PROVIDED UNDER § 4-315 OF
6 THIS SUBTITLE.

7 (8) ~~(H)~~ A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S
8 LICENSE ISSUED TO A DENTAL HYGIENIST UNDER THIS SECTION SHALL BE
9 ISSUED FOR THE DURATION OF THE TEMPORARY DENTAL CLINIC ONLY AND MAY
10 NOT BE RENEWED.

11 ~~(H) THE BOARD MAY ISSUE ANOTHER TEMPORARY~~
12 ~~VOLUNTEER DENTAL HYGIENIST'S LICENSE IF THE DENTAL HYGIENIST APPLIES~~
13 ~~FOR THE LICENSE AND SATISFIES THE REQUIREMENTS OF THIS SUBSECTION.~~

14 (9) THE BOARD MAY ISSUE A TEMPORARY VOLUNTEER DENTAL
15 HYGIENIST'S LICENSE TO A DENTAL HYGIENIST WHO PREVIOUSLY HELD A
16 TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE IF THE DENTAL
17 HYGIENIST APPLIES FOR A NEW LICENSE AND SATISFIES THE REQUIREMENTS OF
18 THIS SUBTITLE.

19 ~~(9)~~ (10) THE BOARD MAY NOT REQUIRE CONTINUING
20 EDUCATION AS A CONDITION FOR THE ISSUANCE OF A TEMPORARY VOLUNTEER
21 DENTAL HYGIENIST'S LICENSE.

22 (I) (1) WHILE IT IS EFFECTIVE, A TEMPORARY DENTAL CLINIC
23 PERMIT ISSUED TO A BONA FIDE CHARITABLE ORGANIZATION UNDER THIS
24 TITLE AUTHORIZES THE PERMIT HOLDER TO UTILIZE HOLDERS OF A
25 TEMPORARY VOLUNTEER DENTIST'S LICENSE OR A TEMPORARY VOLUNTEER
26 DENTAL HYGIENIST'S LICENSE TO PROVIDE DENTAL SERVICES TO THE POOR,
27 ELDERLY, OR DISABLED AT A TEMPORARY DENTAL CLINIC THAT IS OPERATED
28 BY THE BONA FIDE CHARITABLE ORGANIZATION.

29 (2) THE BOARD SHALL ISSUE A TEMPORARY DENTAL CLINIC
30 PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION THAT MEETS THE
31 REQUIREMENTS OF THIS SUBSECTION.

32 (3) ~~(H)~~ A TEMPORARY DENTAL CLINIC PERMIT ISSUED TO A
33 BONA FIDE CHARITABLE ORGANIZATION UNDER THIS TITLE SHALL BE ISSUED
34 FOR THE DURATION OF THE DENTAL CLINIC ONLY AND MAY NOT BE RENEWED.

~~(H) THE BOARD MAY ISSUE ANOTHER TEMPORARY DENTAL CLINIC PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION IF THE BONA FIDE CHARITABLE ORGANIZATION APPLIES FOR THE PERMIT AND SATISFIES THE REQUIREMENTS OF THIS SUBSECTION.~~

(4) THE BOARD MAY ISSUE A TEMPORARY DENTAL CLINIC PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION THAT PREVIOUSLY HELD A TEMPORARY DENTAL CLINIC PERMIT IF THE BONA FIDE CHARITABLE ORGANIZATION APPLIES FOR A NEW PERMIT AND SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.

~~(4) (5)~~ A BONA FIDE CHARITABLE ORGANIZATION THAT CONDUCTS A TEMPORARY DENTAL CLINIC UNDER THIS TITLE MAY NOT BE CONSTRUED TO BE PRACTICING DENTISTRY AS DEFINED IN § 4-101 OF THIS TITLE.

~~(5) (6)~~ (I) THE STATE, A LOCAL GOVERNMENT, OR A LOCAL HEALTH DEPARTMENT THAT PROVIDES DENTAL SERVICES TO THE POOR, ELDERLY, OR DISABLED:

1. MAY NOT BE REQUIRED BY THE BOARD TO SEEK AUTHORIZATION UNDER THIS TITLE TO PROVIDE THE SERVICES; AND

2. SHALL PROVIDE WRITTEN NOTICE TO THE BOARD OF ITS INTENTION TO PROVIDE DENTAL SERVICES TO THE POOR, ELDERLY, OR DISABLED AT LEAST 60 DAYS PRIOR TO THE DATE THE SERVICES ARE TO BE PROVIDED.

(II) A HOLDER OF AN OUT-OF-STATE LICENSE TO PRACTICE DENTISTRY OR DENTAL HYGIENE WHO WOULD LIKE TO PROVIDE DENTAL SERVICES SPONSORED BY THE STATE, A LOCAL GOVERNMENT, OR A LOCAL HEALTH DEPARTMENT SHALL OBTAIN A TEMPORARY VOLUNTEER DENTIST'S LICENSE OR TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE AS PROVIDED IN THIS TITLE BEFORE PROVIDING THE DENTAL SERVICES.

~~(6) (7)~~ A HOLDER OF A TEMPORARY DENTAL CLINIC PERMIT SHALL HAVE:

(I) A MEDICAL EMERGENCY PLAN;

(II) ADEQUATE EQUIPMENT, INCLUDING PORTABLE EQUIPMENT WHERE APPROPRIATE, AND APPROPRIATE ARMAMENTARIUM AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL SERVICES; AND

1 **(III) ADEQUATE SAFEGUARDS TO PROTECT THE HEALTH AND**
2 **SAFETY OF PATIENTS.**

3 ~~(7)~~ **(8) THE BOARD MAY:**

4 **(I) ENTER AND INSPECT A TEMPORARY DENTAL CLINIC IN**
5 **ORDER TO CARRY OUT A DUTY UNDER THIS TITLE; AND**

6 **(II) CONDUCT AN INVESTIGATION OF A TEMPORARY**
7 **DENTAL CLINIC OR A HOLDER OF A TEMPORARY VOLUNTEER DENTIST'S**
8 **LICENSE OR A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE**
9 **PROVIDING DENTAL SERVICES AT THE TEMPORARY DENTAL CLINIC.**

10 **[(g)] (J)** While it is effective, a teacher's license to practice dental hygiene
11 issued under this title authorizes the licensee to:

12 (1) Teach dental hygiene only at the institution named on the license;
13 and

14 (2) Practice dental hygiene under the general supervision of a licensed
15 dentist with the institution named on the license.

16 **[(h)] (K)** (1) (i) In this subsection the following words have the
17 meanings indicated.

18 (ii) "Contractual employee" means a dental hygienist who has
19 an annual contract to practice dental hygiene an average of at least 8 hours per week
20 in a facility specified under paragraph (3)(i) of this subsection.

21 (iii) "Facility" includes a program operated within a facility that
22 is specified under paragraph (3)(i) of this subsection.

23 (iv) "Federally qualified health center" has the meaning stated
24 in 42 U.S.C. § 254b(a).

25 (v) "Federally qualified health center look-alike" has the
26 meaning stated in 42 U.S.C. § 1396d(l)(2)(B).

27 (vi) "General supervision" means supervision of a dental
28 hygienist by a dentist, where the dentist may or may not be present when the dental
29 hygienist performs the dental hygiene procedures.

30 (2) (i) While effective, a general license to practice dental hygiene
31 issued under this title authorizes the licensee to practice dental hygiene and apply
32 sealants or fluoride agents such as professional topical fluoride treatments, mouth
33 rinse, or varnish:

1 1. Under general supervision in accordance with this
2 subsection; and

3 2. In a facility specified under paragraph (3)(i) of this
4 subsection that complies with the requirements of this subsection.

5 (ii) This subsection may not be construed to:

6 1. Authorize a dental hygienist to practice dental
7 hygiene independent of a supervising dentist;

8 2. Prohibit a dentist from being available for personal
9 consultation or on the premises where a dental hygienist is practicing; or

10 3. Require a waiver under subsection [(e)] (F) of this
11 section.

12 (3) (i) While it is effective, a general license to practice dental
13 hygiene issued under this title authorizes the licensee to practice dental hygiene under
14 general supervision in:

15 1. A dental facility owned and operated by the federal,
16 the State, or a local government;

17 2. A public health department or public school of the
18 State or a county;

19 3. A facility in which a program licensed by the
20 Department is operating;

21 4. A facility owned and operated by the Department of
22 Juvenile Services;

23 5. A facility owned and operated by the State or a local
24 government that provides medical care to the poor, elderly, or handicapped;

25 6. A facility in which a federally qualified health center
26 or a federally qualified health center look-alike is located; or

27 7. A facility in which a State licensed Head Start
28 Program or Early Head Start Program operates.

29 (ii) Before a facility may allow a dental hygienist authorized to
30 practice dental hygiene under general supervision in accordance with this subsection
31 to practice in the facility, the facility shall report to the Board:

1 (iv) A recall patient who has been examined by a dental
2 hygienist practicing under the general supervision of a licensed dentist will be
3 scheduled for an oral examination every 6 months, or as otherwise recommended by
4 the supervising dentist;

5 (v) A dental hygienist practicing under the general supervision
6 of a licensed dentist ascertains before treating a recall patient that there has been no
7 change in the patient's medical history;

8 (vi) A dental hygienist consults with the supervising dentist, the
9 patient's dentist, or a treating physician before proceeding with treatment if there is a
10 change in the patient's medical history;

11 (vii) Adequate facilities and equipment are available for the
12 delivery of dental hygiene services other than fluoride rinse programs; and

13 (viii) Reports to the Board any changes in the status of the
14 facility's general supervision, any supervising dentist, or any dental hygienist within
15 30 days after the change.

16 **[(i)] (L)** (1) In this subsection, "private dental office" means a dental
17 office owned and operated by:

18 (i) A licensed dentist; or

19 (ii) A professional corporation, partnership, limited liability
20 company, or limited liability partnership owned and controlled by a licensed dentist.

21 (2) While it is effective, a general license to practice dental hygiene
22 issued under this title authorizes the licensee to practice dental hygiene under the
23 general supervision of a licensed dentist in a private dental office.

24 (3) A private dental office in which a dental hygienist is authorized to
25 practice under the general supervision of a licensed dentist shall ensure that:

26 (i) The supervising dentist holds an active license to practice
27 dentistry in this State;

28 (ii) The dental hygienist holds an active license to practice
29 dental hygiene in this State;

30 (iii) The dental hygienist has at least 1,500 hours of dental
31 hygiene clinical practice in direct patient care; and

32 (iv) There is a written agreement between the supervising
33 dentist and the dental hygienist practicing under general supervision that clearly sets
34 forth the terms and conditions under which the dental hygienist may practice,

1 including a statement that the dental hygienist may provide dental hygiene services
2 without the supervising dentist on the premises.

3 (4) A dental hygienist may perform authorized dental hygiene services
4 without the supervising dentist on the premises only if:

5 (i) After the supervising dentist examines and evaluates a
6 patient, the prescribed and authorized treatment to be provided by the dental
7 hygienist is written in the patient's records;

8 (ii) 1. Treatments authorized by a supervising dentist to be
9 provided by the dental hygienist are rendered no later than 7 months from the date
10 the patient was examined and evaluated by the supervising dentist; and

11 2. Upon expiration of a prescription or prescribed
12 treatment, the supervising dentist examines and reevaluates the patient before
13 writing a new prescription and authorization for treatment;

14 (iii) Prior to an appointment, the patient or the custodial parent
15 or legal guardian of a minor or incompetent adult shall:

16 1. Be informed that a dental hygienist will be providing
17 services previously prescribed by a dentist who will not be on the premises during the
18 appointment; and

19 2. Consent to receiving the dental hygiene services;

20 (iv) Written emergency procedures are in place and the dental
21 hygienist is trained to implement the emergency procedures;

22 (v) A designated licensed dentist is available for consultation
23 with the dental hygienist; and

24 (vi) The number of unsupervised clinical hours worked by a
25 supervised dental hygienist in any given 3-month period is less than 60 percent of the
26 dental hygienist's total hours worked during that 3-month period.

27 (5) A supervising dentist may not employ more than two dental
28 hygienists to work under the dentist's general supervision at any given time.

29 **[(j)] (M)** (1) (i) In this subsection the following words have the
30 meanings indicated.

31 (ii) "Assisted living program" has the meaning stated in §
32 19-1801 of the Health – General Article.

1 (iii) “General supervision” means supervision of a dental
2 hygienist by a dentist, where the dentist may or may not be present when the dental
3 hygienist performs the dental hygiene procedures.

4 (iv) “Long-term care facility” means:

- 5 1. A nursing home; or
- 6 2. An assisted living program.

7 (v) “Nursing home” has the meaning stated in §
8 19-1401 of the Health – General Article.

9 (2) (i) While it is effective, a general license to practice dental
10 hygiene issued under this title authorizes the licensee to practice dental hygiene under
11 the general supervision of a licensed dentist in a long-term care facility in accordance
12 with this subsection.

13 (ii) This subsection may not be construed to:

- 14 1. Authorize a dental hygienist to practice dental
15 hygiene independent of a supervising dentist;
- 16 2. Prohibit a dentist from being available for personal
17 consultation or on the premises where a dental hygienist is practicing;
- 18 3. Prohibit a dental hygienist, without the supervision of
19 a dentist, from performing a preliminary dental examination with subsequent referral
20 to a dentist; or
- 21 4. Require a waiver under subsection [(e)] (F) of this
22 section.

23 (3) Before a dental hygienist is authorized to practice dental hygiene
24 under general supervision in a long-term care facility in accordance with this
25 subsection, the dental hygienist shall:

- 26 (i) Hold an active license to practice dental hygiene in the
27 State;
- 28 (ii) Hold a current certificate evidencing health provider level C
29 proficiency, or its equivalent, in cardiopulmonary resuscitation;
- 30 (iii) Have at least 2 years of active clinical practice in direct
31 patient care; and

1 (iv) Ensure that the long-term care facility where the dental
2 hygienist will practice under general supervision has:

- 3 1. A written medical emergency plan in place;
- 4 2. Adequate equipment, including portable equipment
5 and appropriate armamentarium, available for the appropriate delivery of dental
6 hygiene services; and
- 7 3. Adequate safeguards to protect the patient's health
8 and safety.

9 (4) Before a dental hygienist is authorized to practice dental hygiene
10 under general supervision in a long-term care facility in accordance with this
11 subsection, the supervising dentist shall:

- 12 (i) Hold an active general license to practice dentistry in the
13 State;
- 14 (ii) Hold a current certificate evidencing health provider level C
15 proficiency, or its equivalent, in cardiopulmonary resuscitation; and
- 16 (iii) Have at least 2 years of active clinical practice in direct
17 patient care.

18 (5) A dental hygienist practicing under the general supervision of a
19 licensed dentist in a long-term care facility and performing an authorized dental
20 hygiene service for a patient's initial appointment shall:

- 21 (i) Have a written agreement between the supervising dentist
22 and the dental hygienist that clearly sets forth the terms and conditions under which
23 the dental hygienist may practice, including a statement that the dental hygienist
24 may provide dental hygiene services without the supervising dentist on the premises;
- 25 (ii) Ensure that the supervising dentist is available for
26 consultation with the dental hygienist:

- 27 1. In person;
- 28 2. By telephone; or
- 29 3. Electronically;

30 (iii) Consult with the supervising dentist or a treating physician
31 before proceeding with initial treatment if there is a change in a recall patient's
32 medical history;

1 (iv) Assess the appropriate recall interval based on the
2 individual needs of the patient, or as otherwise recommended by the supervising
3 dentist;

4 (v) Limit dental hygiene tasks and procedures to:

5 1. Toothbrush prophylaxis;

6 2. Application of fluoride;

7 3. Dental hygiene instruction;

8 4. Assessment of the patient's apparent need for further
9 evaluation by a dentist in order to diagnose the presence of dental disease; and

10 5. Other duties as may be delegated, verbally or in
11 writing, by the supervising dentist; and

12 (vi) Submit findings of the initial assessment to the supervising
13 dentist for a determination of future treatment.

14 (6) A dental hygienist may perform subsequent authorized dental
15 hygiene services without the supervising dentist on the premises only if:

16 (i) The supervising dentist examines the patient and authorizes
17 in the patient's record a prescription of specific treatment to be provided by the dental
18 hygienist;

19 (ii) An authorized treatment is provided by the dental hygienist
20 as soon as possible, but no later than 7 months from the date the patient was
21 examined by the supervising dentist; and

22 (iii) Upon expiration of a prescribed treatment, the supervising
23 dentist is responsible for determining future protocols for the treatment of the patient.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 ~~October~~ July 1, 2011.